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Attorney Docket: 207.62

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

JANSEN et al.

EXAMINER: MONTANO, M.A.

SERIAL NO.:

10/586,041

ART UNIT

: 3738

FILED:

July 13, 2006

CONFIRM NO.: 9317

FOR:

METHOD FOR PROVIDING A POLYMERIC IMPLANT

WITH A CRYSTALLINE CALCIUM PHOSPHATE COATING

STATEMENT OF FILING BY EXPRESS MAIL 37 CFR § 1.10

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June 11, 2009

INFORMATION DISCLOSURE STATEMENT

Mail Stop - Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement (hereinafter sometimes referred to as "IDS") is submitted in accordance with 37 C.F.R. §§ 1.97, 1.98 and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. § 1.97, as it is filed:

(Check one of the boxes opposite A-D)

[] A. within three months of the filing date of the above-identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in the aboveidentified international application.

PATENT

Attorney Docket: 207,623

[] B. before the mailing date of a first office action on the merits.
[] C. after the times set forth in (A) and (B) above, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. 1.311, and the necessary
statement pursuant to 37 C.F.R. § 1.97(e) appears below (see box "i") or the necessary fee is enclosed (see box "ii" below).
(check one of the boxes opposite "i" or "ii" below)
[] i. (check the applicable statement)
[] I, the undersigned, hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
[] I, the undersigned, hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
[] ii. A check for the fee set forth in 37 C.F.R. § 1.17(p), presently believed to be \$180.00, is enclosed.
[] D. after the times set forth in (A), (B), and (C) above, but before payment of the issue fee,
since Applicant petitions for the consideration of this Information Disclosure Statement by a petition
enclosed herewith pursuant to 37 C.F.R. § 1.97(d)(2), a check for the petition fee set forth in 37 C.F.R.
§ 1.17(i), presently believed to be \$ 130.00, is enclosed, and the necessary statement pursuant to
37 C.F.R. § 1.97(e) appears below:

PATENT Attorney Docket: 207,623

Disclosure Statement

2. In accordance with 37 C.F.R. § 1.98(a)(1), this IDS includes a list on form PTO-1449 of all patents, publications, or other information submitted for consideration by the Office, incorporated into this IDS as an attachment hereto. Pursuant to 37 C.F.R. § 1.98(b): (i) each U.S. patent listed is identified by patentee, patent number, and issue date; (ii) each foreign patent or published foreign patent application is identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application; and (iii) each publication is identified by author (if any), title, relevant pages of the publication, date, and place of publication. A legible copy of each document listed is attached and incorporated into this IDS, except that no copy of any U.S. patent application is included pursuant to 37 C.F.R. §1.98(a)(2)(iii) and except as explained below.

(check the boxes opposite A and/or B and fill in blanks, if appropriate)

[] A. Document(s) ______ is (are) substantively cumulative to document(s) ______, and, in accordance with 37 C.F.R. § 1.98(c), only a copy of each of the latter document(s) is (are) attached.

[] B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon for an earlier filing date under 35 U.S.C. § 120:

________, filed ______.

These documents are identified by attaching hereto copies of the forms PTO-S/B 08 and/or PTO-1449 from the files of the prior application(s) and Applicant requests that they be considered and made of record in this application in accordance with 37 C.F.R. § 1.98(d). Pursuant to 37 C.F.R. § 1.98(d), copies of these documents need not be provided with this IDS.

(check paragraphs 3 and/or 4, if applicable)

[] 3. Document(s) ______ are not in the English language. In accordance with 37 C.F.R. § 1.98(a)(3),1.98(c), it is stated that:

PATENT Attorney Docket: 207,623

(check the applicable statement(s))

[] English translation(s) of the document(s) ______ (or of the pertinent portions thereof) is (are) enclosed and, thus no concise explanation of their relevance is required, (see M.P.E.P.§ 609, pp. 600-92).

[] English-language equivalent(s) of the document(s) ______ (or of the pertinent portions thereof) which is (are) in fact translation(s) of the document(s) is (are) enclosed.

[] The attached English-language version of a search report or other action by a foreign patent office in a counterpart foreign application which cites document(s) ___ and which indicates the degree of relevance found by the foreign office is submitted to satisfy the requirement for a concise explanation of the relevance of the document(s), (see M.P.E.P.§ 609, pp. 600-93).

[] A concise explanation of the relevance of document(s) _____ is set forth as follows: _____ [] A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.

- [] 4. Other information being provided for the Examiner's consideration follows:
- 5. In accordance with 37 C.F.R. § 1.97(g),1.97(h), the filing of this IDS shall not be construed as a representation that a search has been made or as an admission that information cited in this IDS is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

[] A concise explanation of the relevance of document(s) _____ can be found on the

attached sheet.

Attorney Docket: 207,623

6. Please charge any deficiency or other fees or credit any refund or overpayment to Deposit Account No. 01-0035.

Respectfully submitted,

S. **G**inamon

ttorney for Applicants gg. No. 24,156

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